

REMARKS

In a Final Office Action mailed on August 5, 2005, claims 10-16 and 26-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smart in view of Marchok. These rejections are discussed below.

§ 103(a) Rejections of Claims 10-12:

The method of independent claim 10 recites scrambling first pilot tones that are associated with a first modulated symbol with a first pilot code and scrambling second pilot tones that are associated with a second modulated symbol with a second pilot tone to indicate a time interval in which to demodulate the first modulated symbol from the signal.

In the § 103(a) rejection of independent claim 10, the Examiner concedes that Smart fails to disclose the acts of scrambling the first and second pilot tones of claim 10. Office Action, 6. The Examiner therefore relies on Marchok to allegedly supply the missing claim limitations. However, Marchok fails to teach or suggest the missing claim limitations for at least the following reasons.

Marchok does not teach or suggest scrambling pilot tones with *pilot codes* (*emphasis added*). Instead, Marchok is directed to finding *pilot tones* and using adjacent *pilot tones* to synchronize a phase locked loop (PLL) (*emphasis added*). Thus, although Marchok discloses a synchronization technique for use with *pilot tones*, there is no teaching or suggestion in Marchok relating to *scrambling the pilot tones* (*emphasis added*). Therefore, for at least the reason that the hypothetical combination of Smart and Marchok fails to teach or suggest the missing claim limitations and a *prima facie* case of obviousness has not been established for independent claim 10.

Claims 11 and 12 are patentable for at least the reason that these claims depend from an allowable claim. Therefore, withdrawal of the § 103(a) rejections of claims 10-12 is requested.

§ 103(a) Rejections of Claims 13-16 and 26-29:

The method of independent claim 13 recites correlating frequency transformations with a first pilot code and correlating the frequency transformations with a second pilot code. The

apparatus of independent claim 26 includes an engine to correlate frequency transformations with a first pilot code and correlate frequency transformations with a second pilot code.

The Examiner concedes that Smart fails to disclose the correlation of first and second pilot codes with frequency transformations. Office Action, 7. However, Marchok does not teach or suggest the missing claim limitations. In this regard, Marchok is directed to locating pilot tones and using adjacent pilot tones in time to synchronize a PLL. A correlation is a specific mathematical operation. There is no teaching or suggestion in Marchok regarding correlating frequency transformations with pilot codes and thus, it follows, there is no teaching or suggestion in Marchok regarding comparing the results of such correlations with first and second pilot codes to select a frequency transformation to obtain an indication of a demodulated symbol. Therefore, for at least the reason that the hypothetical combination of Smart and Marchok fails to teach or suggest all claim limitations, a *prima facie* case of obviousness has not been established for either independent claim 13 or 26.

Claims 14-16 and 27-29 are patentable for at least the reason that these claims depend from allowable claims. Thus, withdrawal of the § 103(a) rejections of claims 13-16 and 26-29 is requested.

CONCLUSION

In view of the foregoing, withdrawal of the § 103(a) rejections and a favorable action in form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (ITL.0547US).

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Respectfully submitted,

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